

3 JK 1064.45 1918

**CONFIDENTIAL**

For Official Use Only

U.S. Dept of State

**SECRET STATUTES OF THE  
UNITED STATES**

1047  
1255

**A MEMORANDUM**

BY

**DAVID HUNTER MILLER**  
Special Assistant in the Department of State



WASHINGTON  
GOVERNMENT PRINTING OFFICE

1918

copy 3

JK 1064  
A5  
1918  
copy 3

M. of D.  
Jul 3 1920

SECRET STATUTES OF THE UNITED STATES  
AND THE  
PROCEEDINGS IN THE SENATE IN SECRET SESSION  
AT THE THIRD SESSION OF THE ELEVENTH CON-  
GRESS.

It is well known that when acting upon "Executive business," that is, upon treaties and on nominations to office, the Senate of the United States usually meets with closed doors, although "open Executive sessions," as they are called, may be held. In this respect the provisions of the Standing Rules of the Senate are as follows:

2. When acting upon confidential or Executive business, unless the same shall be considered in open Executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant-at-Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

3. All confidential communications made by the President of the United States to the Senate shall be by the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open Executive session.

(Excerpt from Standing Rule XXXVI, *Senate Rules and Manual*, *United States*, 1913, pp. 32-33.)

Both Houses of Congress, however, may sit with closed doors for discussion of or for proceedings upon business of any character, although there has been no instance of this practice for many years, other than the meetings of the Senate, when acting upon "Executive business."

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed. (Standing Rule XXXV, *Senate Rules and Manual*, *United States*, 1913, p. 31.)

A rule, not invoked for many years, provides for secret sessions of the House whenever the President may send a confidential message or the Speaker or any Member may announce that he has a confidential communication to present.

Rule XXX provides:  
"Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates, and proceedings thereon, unless otherwise ordered by the House."

The rule providing for secret sessions of the House dates from February 17, 1792, and December 30, 1798, although secret sessions were held before there was any rule for them. In the revision of 1890 the old rule was retained in an abbreviated form, as the Committee on Rules thought some occasion might arise for its use.

tor), in pursuance of arrangements which may be desired by the Spanish authorities; and for making provision for the government of the same, during such session.

The wisdom of Congress will, at the same time, determine how far it may be expedient to provide for the event of a subversion of the Spanish authorities within the territory in question, and an apprehended occupancy thereof by any other foreign power. (*Op. cit.*, pp. 369, 370, 1117, 1251, 1272.)

Without quoting at length from the accounts of the subsequent proceedings in Congress, it may be said that not only were the debates in both Houses of Congress, but also that the necessary modifications

The wisdom of Congress will, at the same time, determine how far it may be expedient to provide for the event of a subversion of the Spanish authorities within the territory in question, and an apprehended occupancy thereof by any

Without quoting at length from the accounts of the subsequent proceedings in Congress, it may be said that not only were the debates and votes secret in both Houses of Congress, but also that the necessary messages exchanged between the two Houses and the notifications from President Madison of his approval of the resolution and that votes were received as confidential and behind closed doors, and that the House of Representatives by a vote of 51 to 40 refused to remove

These two statutes and resolution are found in volume 3, United States Statutes at Large, pages 471, 472, and are preceded by the following note of the editor:

following note of the editor :

"The following resolution and acts passed in 1811 and 1813, were not promulgated until their publication in "the sessions acts" of the Fifteenth Congress, ending April 20, 1818. They are altogether omitted in Mr. Justice Story's edition of the laws of the United States, and they are also omitted in Jewell's edition of the laws, from 1816 to 1827, published under the authority of the Force's edition of the laws, from 1816 to 1827. They were passed in the secret sessions of the Congress, in 1822 and 1827. They were passed in the secret sessions of the Congress, in 1822 and the Twelfth Congress.

Eleventh and the Twelfth Congresses. The editor has not considered it proper to insert these laws in this edition, before their promulgation under the authority of the Secretary of State; und

Act of 1818, ch. 80, sec. 1.

The texts of the statutes and resolutions are  
 Taken into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

the source of the said territory, and commerce: Therefore,  
*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to future negotiation.

Approved, January 15, 1811.

Approved, January 10, 1911.

An Act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdicó, and south of the state of the possession of the country lying east of the river Perdicó, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President or any part of him be and he is hereby authorized, to take possession of, and occupy all or any part of the territory lying east of the river Perdido, and south of the state of Georgia.

JACKSON.  
(*Hinds' Precedents of the House of Representatives*, 1907, sec. 7247 and note, Vol. V, p. 1094.)

In 1811, at the third session of the Eleventh Congress, two secretaries and a joint resolution in regard to Florida were passed at secret sessions of the Senate and of the House of Representatives, and these enactments were approved by President James Madison.<sup>1</sup>

On January 3, 1811, President Madison sent a "confidential" message to Congress transmitting certain papers therein mentioned and sage to Congress transmitting certain papers therein mentioned and containing the following:

Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relation of the country adjoining the United States, eastward of the river Perdido, to their security and tranquillity, and the peculiar interest they otherwise have in its destiny, I recommend to the consideration of Congress, the seasonableness of a declaration that the United States could not see, without serious inquietude, any part of a neighboring territory, in which they have, in different respects, so deep and so just a concern, pass from the hands of Spain into those of any other foreign Power.

Power.  
I recommend to their consideration, also, the expediency of authorizing the Executive to take temporary possession of any part or parts of the said territory.

The secret proceedings in both Houses are printed in the Appendix hereto, as the same are subsequently reported in the *Annals of Congress*, vol. 32: as to the Senate, pp. 868-880; and to the House of Representatives, pp. 486, 1117-1148.

6

and the Mississippi territory. In case an arrangement has been, or shall be, made with the local authority of the said territory, for delivering up the possession of the same, or any part thereof, to the United States, or in the event of an attempt to occupy the said territory, or any part thereof, by any foreign government; and he may, for the purpose of taking possession, and occupying the territory aforesaid, and in order to maintain therein the authority of the United States, employ any part of the army and navy of the United States which he may deem necessary.

Sec. 2. *And be it further enacted*, That one hundred thousand dollars be appropriated for defraying such expenses as the President may deem necessary for obtaining possession as aforesaid, and the security of the said territory, to be applied under the direction of the President, out of any moneys in the treasury not otherwise appropriated.

Sec. 3. *And be it further enacted*, That in case possession of the territory aforesaid shall be obtained by the United States, as aforesaid, that until other provision be made by Congress, the President be, and he is hereby authorized to establish, within the territory aforesaid, a temporary government, and the military, civil, and judicial, powers thereof shall be vested in such person and persons, and be exercised in such manner as he may direct, for the protection and maintenance of the inhabitants of the said territory in the full enjoyment of their liberty, property, and religion.

Approved, January 15, 1811.

*An Act concerning an act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory, and for other purposes, and the declaration accompanying the same.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That this act, and the act passed during the present session of Congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory, and for other purposes," and the declaration accompanying the same, be not printed or published, until the end of the next session of Congress, unless directed by the President of the United States, any law or usage to the contrary notwithstanding.

Approved March 3, 1811.

From the foregoing it appears that these enactments were not published or promulgated in due course; they are found in volume 3 of the Statutes at Large immediately after the various acts of April 20, 1818, one of which (Chapter 80) was entitled "An Act to provide for the publication of the laws of the United States, and for other purposes," and contained the following:

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, at and during the session of each Congress of the United States, the Secretary for the Department of State shall cause the acts and resolutions passed by Congress at such session, to be published, currently as they are enacted, and as soon as practicable, in not more than one newspaper in the District of Columbia, and in not more than three newspapers in each of the several states, and in not more than three newspapers in each of the territories of the United States. And he shall also cause to be published, in the like manner, in the said newspapers, or in each of

7

them as he shall for that purpose designate, the public treaties entered into and ratified by the United States.

Sec. 4. *And be it further enacted*, That the Secretary of State shall cause to be published, at the close of every session of Congress, and as soon as practicable, eleven thousand copies of the acts of Congress at large, including all resolutions passed by Congress, amendments to the constitution adopted, and all public treaties made and ratified since the then last publication of the laws. (3 Statutes at Large, p. 439.)

Previous acts regarding the promulgation and publication of statutes of the United States had been less explicit in their language as to the time of publication.

CHAP. XIV. *An Act to provide for the safe-keeping of the Acts, Records and Seal of the United States, and for other purposes.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Executive department, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer therein shall hereafter be called the Secretary of State.

Sec. 2. *And be it further enacted*, That whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President of the United States, or not having been returned by him with his objections, shall become a law, or take effect, it shall forthwith thereafter be received by the said Secretary from the President; and whenever a bill, order, resolution, or vote, shall be returned by the President with his objections, and shall, on being reconsidered, be agreed to be passed, and be approved by two-thirds of both Houses of Congress, and thereby become a law or take effect, it shall, in such case, be received by the said Secretary from the President of the Senate, or the Speaker of the House of Representatives. In whichsoever House it shall last have been so approved; and the said Secretary shall, as soon as conveniently may be, after he shall receive the same, cause every such law, order, resolution, and vote, to be published in at least three of the public newspapers printed within the United States, and shall also cause the one printed copy to be delivered to each Senator and Representative of the United States, and two printed copies duly authenticated to be sent to the Executive authority of each State; and he shall carefully preserve the originals, and shall cause the same to be recorded in books to be provided for the purpose. (Act of Sept. 15, 1789, 1 Statutes at Large, p. 68.)

CHAP. I.—*An Act for the more general promulgation of the laws of the United States.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the more general promulgation of the laws of the United States, the Secretary for the department of State shall, after the end of the next session of Congress, cause to be printed and collated at the public expense, a complete edition of the laws of the United States, comprising the constitution of the United States, the public acts then in force, and the treaties, together with an index to the same.

Sec. 3. *And be it further enacted*, That the acts passed at each succeeding session of Congress, including future treaties, shall be printed and distributed, in like manner and proportion.

(Act of March 3, 1795, 1 Statutes at Large, p. 448.)

CHAPTER I.—An Act to amend the act intitled "An act for the more general promulgation of the Laws of the United States."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary for the department of State shall cause to be included in the edition of the laws of the United States, directed to be printed by the said act, the laws of the United States which may be passed during the present session of Congress: *Provided,* the same can be done at an expense which he shall judge reasonable.

(Act of Dec. 21, 1793, 1 *Statutes at Large*, p. 496.)

CHAP. XXX.—An Act in addition to an act intitled "An act for the more general promulgation of the Laws of the United States."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State shall, as soon as conveniently may be, after he shall receive any order, resolution or law passed by Congress, cause the same to be published at least in one of the public newspapers printed within each state; and whenever in any state, the aforesaid publication shall be found not sufficiently extensive for the promulgation thereof, the Secretary of State shall cause such orders, resolutions and laws to be published in a greater number of newspapers printed within such state, not exceeding three in any state.

(Act of Mar. 2, 1799, 1 *Statutes at Large*, p. 724.)

CHAP. VI.—An Act to authorize the publication of the laws of the United States within the territories of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary for the Department of State be, and he is hereby authorized to cause the laws of the United States, passed, or to be passed, during the present or any future session of Congress, to be published in two of the public newspapers within each and every territory of the United States:—*Provided,* in his opinion, it shall become necessary and expedient.

(Act of Nov. 21, 1814, 3 *Statutes at Large*, p. 145.)

With the language of the foregoing statutes and of that of the act of April 20, 1818 (*supra*), may well be compared that of the act of January 12, 1895.

The Secretary of State shall cause to be edited, printed, published, and distributed pamphlet copies of the statutes of the present and each future session of Congress to the officers and persons hereinafter provided for; said distribution shall be made at the close of every session of Congress.

The Secretary of State is authorized to have printed as many additional copies of the pamphlet laws as he may deem needful for distribution and sale by him, at cost price, not exceeding one thousand copies of the laws of any one session in any one year.

The Public Printer shall deliver to the folding rooms of the Senate and House of Representatives seven thousand copies of the pamphlet laws, two thousand copies of which shall be for the Senate and five thousand copies for the House, and to the superintendent of documents five hundred copies, for distribution to State and Territorial libraries and to designated depositories.

After the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes

at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed.

The pamphlet copies of the statutes and the bound copies of the Acts of each Congress shall be legal evidence of the laws and treaties therein contained in all the courts of the United States and of the several States therein. The said pamphlet and the Statutes at Large shall contain all laws, joint and concurrent resolutions passed by Congress, and also all conventions, treaties, proclamations, and agreements.

(Extract from section 73 of the Act of Jan. 12, 1895, 28 *Statutes at Large*, pp. 614-615.)

The injunction of secrecy as to the act of January 15, 1811, had, however, been removed by resolution of the House of Representatives of July 6, 1812 (mentioning the act as "passed January 12, 1811"), illustrating the practical necessity of the continuing consent of both Houses of Congress if secrecy is to remain effective.

*Resolved,* That the injunction of secrecy, so far as concerns "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes," passed on the twelfth of January, one thousand eight hundred and eleven, and "A bill authorizing the President to take possession of a tract of country lying south of the Mississippi Territory, and of the State of Georgia, and for other purposes," the Mississippi Territory, and of the State of Georgia, and for other purposes, passed the twenty-fifth of June last, and the proceedings thereon, respectively, be removed; And, also, so far as relates to the following letters: two from the Secretary of State to General G. Matthews, one dated the twenty-sixth of January, one thousand eight hundred and eleven, and the other the fourth of April, one thousand eight hundred and twelve; and two from Mr. Monroe to General D. B. Mitchell, one dated the tenth of April, the other the twenty-seventh of May, one thousand eight hundred and twelve.

(*Annals of Congress*, vol. 24, p. 1634.)

The proceedings at the second session of the Twelfth Congress in the consideration and passage of the act of February 12, 1813,<sup>1</sup> were very similar to those at the third session of the Eleventh Congress, in 1811, heretofore discussed. (*Annals of Congress*, vol. 25, pp. 124-134, 1015, 1016, 1079.)

That statute is also referred to in the editor's note on page 471 of volume 3 of the Statutes at Large, above quoted, and is found on page 472 of that volume, as follows:

*An Act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi territory and west of the river Perdido.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President be, and he is hereby, authorized to occupy and hold all that tract of country called West Florida, which lies west of the river Perdido, not now in possession of the United States.

<sup>1</sup> Printed in the Appendix hereto.

Sec. 2. *And be it further enacted*, That, for the purpose of occupying and holding the country aforesaid, and of affording protection to the inhabitants thereof, under the authority of the United States, the President may employ such parts of the military and naval force of the United States as he may deem necessary.

Sec. 3. *And be it further enacted*, That for defraying the necessary expenses, twenty thousand dollars are hereby appropriated, to be paid out of any moneys in the treasury not otherwise appropriated, and to be applied for the purposes aforesaid, under the direction of the President.

Approved, February 12, 1813.

The Congresses sitting in 1811 and in 1813 met while James Madison was President; from April 2, 1811, until the close of Madison's second term, James Monroe was Secretary of State, succeeding Madison as President on March 4, 1817; the period in question was within twenty-five years after the date when the machinery of our Government under the Constitution was started, and at that time no practical or legal difficulty was found in the way of the enactment of secret statutes of the United States, when secrecy was deemed essential by the National Legislature and the Executive.

## APPENDIX

### PROCEEDINGS IN THE SENATE IN SECRET SESSION

AT THE THIRD SESSION OF THE ELEVENTH CONGRESS

[Annals of Congress, vol. 22, pp. 369-389.]

THURSDAY, JANUARY 3, 1811.

The following confidential Message was received from the President of the United States, by Mr. Coles, his Secretary:

*To the Senate and House of Representatives of the United States:* I communicate to Congress, in confidence, a letter, of the 2d of December, from Governor Piche, of West Florida, to the Secretary of State; and another, of the same date, from the same, to John McKee,

I communicate, in like manner, a letter from the British Charge d'Affaires to the Secretary of State, with the answer of the latter. Although the letter cannot have been written in consequence of any instruction from the British Government, founded on the late order for taking possession of the portion of West Florida well known to be claimed by the United States; although no communication has ever been made by that Government to this of any stipulation with Spain, contemplating an interposition which might so materially affect the United States; and although no call can have been made by Spain, in the present instance, for the fulfillment of any such subsisting engagement; yet the spirit and scope of the document, with the recorded source from which it proceeds, required that it should not be withheld from the consideration of Congress.

Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relation of the country adjoining the United States, eastward of the river Perdido, to their security, and tranquillity, and the peculiar interest they otherwise have in its destiny, I recommend to the consideration of Congress, the seasonableness of any part of a neighboring territory, in which they have, in different respects, so deep and so just a concern, pass from the hands of Spain into those of any other foreign Power.

I recommend to their consideration, also, the expediency of authorizing the Executive to take temporary possession of any part or parts of the said territory, in pursuance of arrangements which may be desired by the Spanish authorities; and for making provision for the government of the same, during such possession.

The wisdom of Congress will, at the same time, determine how far it may be expedient to provide for the event of a subversion of the Spanish authorities within the territory in question, and apprehended occupancy thereof by any other foreign Power.

JAMES MADISON.

WASHINGTON, January 5, 1811.

12

The Message was read.  
On motion by Mr. CLAY,  
*Resolved*, That the Message from the President of the United States, of this day, which has been just read, be referred to a committee, with leave to report by bill or otherwise.  
Mr. CLAY, Mr. CRAWFORD, Mr. BRADLEY, Mr. SMITH, of Maryland, and Mr. ANDERSON, were appointed the committee.

MONDAY, JANUARY 7.

Mr. CLAY, from the committee, appointed the 3d instant, on the confidential Message of the President of the United States, reported a declaration and bill to enable the President of the United States to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes; which were read, and passed to a second reading.

On motion, by Mr. ANDERSON, that the bill be now read the second time; it was objected to, as against the rule.

On motion, by Mr. CRAWFORD, that the Secretary furnish each Senator, requiring it, with a manuscript copy of the said bill, it was determined in the negative—yeas 14, nays 16.

Mr. BAYARD submitted the following resolution for consideration:

*Resolved*, That the Secretary of the Senate be instructed to cause to be printed one copy for each member of the Senate, of the bill and declaration this day reported to the Senate by their select committee; and to adopt such measures as will insure the same being printed without danger of the secret proceedings of the Senate, on the subject, being disclosed.

On the question to agree thereto, it was determined in the negative—yeas 7, nays 23.

TUESDAY, JANUARY 8.

The bill to enable the President of the United States to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes, was read the second time; and, on motion by Mr. CLAY, it was considered as in Committee of the Whole.

On motion, by Mr. BAYARD, to amend the bill, by striking out of the first section thereof the words, "In the event of such arrangement for that purpose as shall have been made with the local authority

13

which may then exist;" and, in lieu thereof, to insert the words, "In case an arrangement has been or shall be made with the local authority of the said territory for delivering up the possession of the same to the United States:"

On motion, by Mr. GILMAN, a division of the question was called for; and the question being put on striking out, it was determined in the affirmative.

The question was then taken upon inserting the proposed amendment, and determined in the affirmative—yeas 20, nays 12.

On motion, by Mr. BAYARD, further to amend the bill, by striking out of the first section thereof the words, "Or in the event of an attempt to occupy the said territory by any foreign Government," it was determined in the negative—yeas 11, nays 20.

On motion, by Mr. BAYARD, it was agreed to amend the fourth section of the bill, by inserting, after the word "enacted," the words, "That in case possession of the territory aforesaid shall be obtained by the United States, as aforesaid."

WEDNESDAY, JANUARY 9.

The Senate resumed, as in Committee of the Whole, the bill to enable the President of the United States to take possession of the territory lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes.

Mr. LLOYD presented the oaths, or affidavits, subscribed and sworn to by Samuel Turner, jun., John G. McDonald, and Lewis H. Machen, for the faithful discharge of their respective duties as clerks in the office of the Secretary of the Senate of the United States; which were read, as follows:

I, Samuel Turner, jun., do solemnly swear, that I will, with fidelity, and to the best of my ability, perform the duties that may be assigned to me as clerk in the office of the Secretary of the Senate of the United States; and that I will, faithfully and inviolably, keep secret all the confidential business of the Senate until I may be specially absolved therefrom.

DISTRICT OF COLUMBIA,

County of Washington.

On the 8th day of January, 1811, Samuel Turner came before the subscriber, one of the United States' justices of the peace for the county, and made out to the truth of the above statement.

JOHN OTT.

14

I, John G. McDonald, do solemnly swear, that I will, with fidelity, and to the best of my ability, perform the duties that may be assigned to me as a clerk in the office of the Secretary of the Senate of the United States; and that I will, faithfully and inviolably, keep secret all the confidential business of the Senate, until I may be specially absolved therefrom.

JOHN G. McDONALD.  
Sworn to and subscribed before me, this 9th day of January, 1811.  
SAMUEL N. SMALLWOOD.

I, Lewis H. Machen, do solemnly swear, that I will, with fidelity, and to the best of my ability, perform the duties that may be assigned to me as a clerk in the office of the Secretary of the Senate; and that I will, faithfully and inviolably, keep secret all the confidential business of the Senate, until I may be specially absolved therefrom.

LEWIS H. MACHEN.  
Sworn to and subscribed before me, this 9th day of January, 1811.  
SAMUEL N. SMALLWOOD, J. P.

Whereupon, on motion by Mr. CLAY, *Resolved*, That the Secretary of the Senate be authorized to employ the clerks in his office, who have subscribed and taken the oath, the form of which has been read to the Senate, in transcribing or otherwise arranging the business confidentially communicated to the Senate.

On motion, by Mr. CLAY, it was agreed to amend the first section of the bill, by inserting the words, "or any part thereof," between the words "same" and "to."

On motion, by Mr. CLAY, it was agreed to amend the bill, by striking out all the words, in the second section, preceding the words, "and he may for, &c.;" also, by striking out of the same section the words, "of the said detachment, and."

On motion, by Mr. CLAY, it was agreed further to amend the bill, by striking out of the third section the words, "for paying and subsisting such part of the detachment as may be required for actual service, and;" also the word "other," between the words "such" and "expenses;" also, by inserting after the words "necessary for," the words, "obtaining possession as aforesaid, and;" and, also, by striking out the words, "and the Territories of the United States." On motion, by Mr. CLAY, it was agreed further to amend the bill, by adding to the first section the remainder of the original second section; and by adopting the original third and fourth sections, as the second and third sections of the bill; and having gone through the amendments, the President reported the bill to the House accordingly.

On motion, by Mr. FRANKLIN, further to amend the bill, by striking out of the first section the words, "or in the event of the attempt to occupy the said territory, or any part thereof, by any foreign Government," it was determined in the negative—yeas 10. nays 19.

15

On the question, "Shall this bill be engrossed and read a third time, as amended?" it was determined in the affirmative.

On motion, by Mr. CHAMBERS, that the injunction of secrecy respecting the bill be taken off, and that the further discussion thereof be with open doors, it was determined in the negative—yeas 6, nays 24.

Mr. ANDERSON submitted the following motion:

*Resolved*, That the subject-matter of the bill, entitled "An act to enable the President of the United States to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes," be kept inviolably secret by the members of the Senate, until the Senate shall, by their resolution, take off the injunction of secrecy.

Which was read; and on the question to agree thereto, it was determined in the affirmative—yeas 20, nays 6.

Mr. CUTTS, from the committee, reported the bill last mentioned, correctly engrossed.

A confidential message was received from the House of Representatives, by Mr. MONTGOMERY and Mr. CUTTS, two members of that body, with the following resolution, in which they ask the concurrence of the Senate:

CONGRESS OF THE UNITED STATES,  
In House of Representatives, Jan. 8, 1811.

Taking into view the present state of the world, the peculiar situation of Spain and of the American provinces, and the intimate relation of the territory eastward of the river Perdido, adjoining the United States, to their security and tranquillity: Therefore,

*Resolved*, by the Senate and House of Representatives of the United States, east of America in Congress assembled, That the United States cannot see, with indifference, any part of the Spanish provinces, adjoining the said States, eastward of the river Perdido, pass from the hands of Spain into those of any other foreign Power.

The resolution was read, and passed to a second reading.

THURSDAY, JANUARY 10.

The bill to enable the President of the United States to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes, was read the third time; and, on motion by Mr. CLAY, to fill the blank with the words "one hundred thousand dollars;"

On the question to agree thereto, the Senate being equally divided, the President determined the question in the affirmative.



On the question, "Shall this bill pass, as amended?" it was determined in the affirmative—yeas 23, nays 7.

On motion, by Mr. CLAY, it was agreed to amend the title of the bill, by inserting the word "river," before the word "Perdido;" and after the word "States," by inserting the words "under certain contingencies."

So it was *Resolved*, That this bill do pass, and that the title thereof be "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes."

On motion, by Mr. CLAY,  
*Resolved*, That a committee of two be appointed to carry the said bill to the House of Representatives, and ask their concurrence therein.

*Ordered*, That Mr. CLAY and Mr. BAYARD be the committee.  
Mr. CLAY reported that the committee had performed the service assigned them.

The following confidential Message was received from the President of the UNITED STATES by Mr. Coles, his Secretary:

*To the Senate and House of Representatives of the United States:*  
I communicate to Congress, in confidence, the translation of a letter from Louis de Onís to the Captain General of Caracas.  
The tendency of misrepresentations and suggestions, which, it may be inferred from this specimen, enter into more important correspondences of the peer to promote, in foreign councils, at a critical period, views adverse to the peace and to the best interests of our country, renders the contents of the letter of sufficient moment to be made known to the Legislature.

JAMES MADISON.

JANUARY 10. 1811.

The Message and letter therein referred to, were read, and referred to a select committee, to consider and report thereon.

*Ordered*, That Mr. BAYARD, Mr. CRAWFORD, and Mr. CLAY, be the committee.

The resolution yesterday received, confidentially, by message, from the House of Representatives, was read the second time; and, on motion by Mr. CRAWFORD, it was referred to a select committee, to consider and report thereon; and Mr. ANDERSON, Mr. CRAWFORD, Mr. CLAY, Mr. BRADLEY, and Mr. SMITH, of Maryland, were appointed the committee.

Mr. CHAMPLIN submitted the following motion for consideration:  
*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such communications as may have been made to him by Louis de Onís, in relation to his having been appointed a special Minister to the United States by the Supreme Central Junta of Spain.

FRIDAY, JANUARY 11.

The resolution submitted yesterday by Mr. CHAMPLIN, was resumed; and, on his motion, it was agreed to amend the resolution, as follows:

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such communications as may have been made to him by Louis de Onís, in relation to his having been appointed a special Minister to the United States by the Supreme Central Junta of Spain; and, also, in regard to the particular object of his appointment.

On the question to agree thereto, it was determined in the negative—yeas 9, nays 18.

Mr. ANDERSON, from the committee appointed on the subject, reported the confidential resolution from the House of Representatives, with the following amendment:

Strike out all the words after the word "the," first mentioned in the first line of the resolution, to the end thereof, and in lieu thereof, insert "peculiar situation of Spain and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce; Therefore,  
*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious injustice, see any part of the said territory pass into the hands of any foreign Power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they at the same time, declare that the said territory shall, in their hands, remain subject to a future negotiation."

Which report was read, and considered as in Committee of the Whole; and, on motion to adopt the report, a division of the question was called for by Mr. DANA, and the question to strike out was agreed to, and the amendment was adopted; and the President reported the resolution to the House accordingly.

*Ordered*, That the resolution pass to the third reading, as amended.

SATURDAY, JANUARY 12.

Mr. CURTIS, from the committee, reported the amendment to the confidential resolution from the House of Representatives, correctly engrossed; and the resolution was read the third time, as amended.

On the question, "Shall this resolution pass, as amended?" it was determined in the affirmative—yeas 23, nays 6.

18

On motion, by Mr. WORTHINGTON,  
*Resolved*, That a committee of two be appointed to carry the said resolution and amendment to the House of Representatives, and ask their concurrence therein.

*Ordered*, That Mr. CLAY and Mr. PICKENS be the committee.

MONDAY, JANUARY 14.

Mr. CLAY, from the committee, reported that they had performed the duties assigned them on Saturday last.

The following confidential message was received from the House of Representatives, by Mr. MONTGOMERY and Mr. MILLER, two members of that body:

Mr. President: The House of Representatives agree to the amendment of the Senate, to the resolution making a declaration with respect to our Southern frontier.

They concur in the bill, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes."

Mr. CURTIS, from the committee, reported that they this day examined, and found duly enrolled, the bill and resolution last mentioned.

TUESDAY, JANUARY 15.

The following confidential message was received from the House of Representatives, by Mr. MONTGOMERY and Mr. MILLER, two members of that body:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, and an enrolled resolution, we are directed to bring them to the Senate for the signature of their President.

The President signed the enrolled bill and resolution last reported to have been examined; and they were delivered to the committee, to be laid before the President of the United States.

FRIDAY, JANUARY 18.

Mr. CURTIS, from the committee, reported that they did, on the 15th instant, lay before the President of the United States the enrolled bill, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country

19

lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes"; also, the resolution making a declaration with respect to our Southern frontier.

The following confidential message was received from the House of Representatives, by Mr. MONTGOMERY and Mr. CLAY, two members of that body:

Mr. President: The President of the United States hath notified the House of Representatives that he did, on the 15th instant, approve and sign the enrolled resolution, making a declaration with respect to our Southern frontier.

The following confidential Message was received from the President of the United States:

Mr. President: The President of the United States did, on the 15th instant, approve and sign "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes."

*Ordered*, That the Secretary communicate the same to the House of Representatives, confidentially.

SUNDAY, MARCH 3.

Mr. CLAY submitted the following motion for consideration:  
*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, passed during the present session of Congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes;" and the declaration accompanying the same, be not printed or published, unless directed by the President of the United States, any law or usage to the contrary notwithstanding.

On motion, by Mr. CLAY, the resolution was twice read, by unanimous consent.

On the question, "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative.

Mr. CURTIS, from the committee, reported the resolution last mentioned, correctly engrossed; and the resolution was read the third time, by unanimous consent; and

*Resolved*, That this resolution do pass.

On motion, by Mr. TURNER,

*Resolved*, That a committee of two be appointed to carry the said resolution to the House of Representatives, and ask their concurrence therein.

*Ordered*, That Mr. TURNER and Mr. SMITH, of Maryland, be the committee.

20

Mr. TURNER, from the committee, reported that they had performed the duty assigned them.

A confidential message was received from the House of Representatives, by Mr. MONTGOMERY and Mr. MOORE, two members of that body, as follows:

Mr. President: The House of Representatives have passed the confidential resolution sent from the Senate, with amendments, in which they ask the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the said resolution. And  
*Resolved*, That they do concur therein.

On motion, by Mr. GARLAND,  
*Resolved*, That a committee of two be appointed to inform the House of Representatives that the Senate have concurred in the said amendments.

*Ordered*, That Mr. WORTHINGTON and Mr. BAYARD be the committee.

Mr. BAYARD, from the committee, reported that they had performed the duty assigned them.

Mr. CURTIS, from the committee, reported that they had examined, and found duly enrolled, the bill, entitled "An act concerning the act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes, and the declaration accompanying the same."

A confidential message was received from the House of Representatives, by Mr. MONTGOMERY and Mr. MOORE, two members of that body:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, we are directed to bring it to the Senate for the signature of their President.

The President signed the enrolled bill, last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States.

Mr. CURTIS, from the committee, reported that they this day laid before the President of the United States the enrolled confidential bill last mentioned.

A confidential Message was received from the President of the UNITED STATES, as follows:

Mr. President: The President of the United States this day approved and signed the confidential bill, entitled "An act concerning an act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of

21

Georgia and the Mississippi Territory, and for other purposes, and the declaration accompanying the same,"

*Ordered*, That Mr. CURTIS and Mr. CAMERON be a committee to notify the House of Representatives thereof.

#### SUPPLEMENTAL JOURNAL.

OF SUCH PROCEEDINGS OF THE THIRD SESSION OF THE ELEVENTH CONGRESS, AS, DURING THE TIME THEY WERE DEPENDENT, WERE ORDERED TO BE KEPT SECRET, AND RESPECTING WHICH THE INSTRUCTION OF SECRECY WAS AFTERWARDS REMOVED BY ORDER OF THE HOUSE.

[Annals of Congress, vol. 22, pp. 1117-1148.]

THURSDAY, JANUARY 3, 1811.

A confidential Message was received from the President of the United States; when the House was cleared of all persons except the members and the Clerk and the said Message was read, and referred to a select committee, composed of Mr. MONTGOMERY, Mr. CURTIS, Mr. W. AUSTIN, Mr. P. B. POTTER, Mr. GRAY, Mr. HAVEN, Mr. HENNINGTON, Mr. MURPHY, and Mr. BAYARD, to consider and report thereon.

SATURDAY, JANUARY 5.

The House being cleared of all persons except the members and Clerk, on a motion made, and leave given by the House, Mr. MONTGOMERY, from the committee appointed, on the third instant, on the confidential Message of the President of the United States, presented a bill authorizing the President of the United States to occupy the territory therein mentioned, and for other purposes; which was read the first and second time.

A motion was then made by Mr. BENNETT, that it be the order for Monday next; and the question being taken thereon, it was resolved in the affirmative—yeas 80, nays 27.

\* \* \* \* \*

Mr. MONTGOMERY, from the same committee, also reported a joint resolution, which is in the following words, to wit:

Taking into view the present state of the world, the peculiar situation of Spain, and of her American Provinces; the acknowledged claim of the United States on that country, for indemnifications of great magnitude, and the intimate relation of the territory eastward of the river Perdido, adjoining the said States, to their security, and tranquillity; Therefore.

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled.* That the United States can not see, with indifference, any part of the Spanish Provinces adjoining the said States eastward of the river Peridillo, pass from the hands of Spain into those of any other foreign Power.

Which was received and read the first time; and, on motion, the said resolution was read the second time.

A motion was made by Mr. STANLEY, that it be referred to the Committee of the whole House to whom was referred, this day, the bill authorizing the President of the United States to occupy the territory therein mentioned, and for other purposes; and the question being taken thereon, it was determined in the negative.

A motion was then made by Mr. W. ALSTON, that it be referred to a Committee of the Whole, to-day; and the question being taken thereon, it was resolved in the affirmative.

The House resolved itself into a Committee of the whole House on the said resolution; and, after some time spent therein, the Committee rose reported progress and had leave to sit again.

#### MONDAY, JANUARY 7.

The House being cleared of all persons except the members and the Clerk, the House resolved itself into a Committee of the Whole on the joint resolution reported by the select committee appointed on the confidential Message of the President of the United States of the third instant; and, after some time spent therein, the Committee rose and reported an amendment thereto; which was read; and on the question that the House do now concur in the report of the Committee of the whole House, a motion was made by Mr. CURRY, that the said report and resolution do lie on the table; and the question being taken thereon, it was determined in the negative.

A motion was then made by Mr. STANFORD, to amend the resolution by striking out the preamble thereto, which is, as amended by the Committee of the whole House, in the following words, to wit: "Taking into view the present state of the world, the peculiar situation of Spain and of her American Provinces, and the intimate relation of the territory eastward of the river Peridillo, adjoining the said States, to their security and tranquillity."

And debate arising thereon, an adjournment was called for, and carried.

#### TUESDAY, JANUARY 8.

The House resumed the consideration of the unfinished business of yesterday, which was depending and undetermined at the time of

adjournment. The question being again stated from the Chair on striking out the preamble to the resolution reported by the Committee of the whole House, a division of the same was called for; and the question being taken on striking out, it was determined in the negative—yeas 41, nays 65.

\* \* \* \* \*

The question then recurred on concurring in the amendment reported by the Committee of the whole House, proposing to strike out of the preamble the following: "the acknowledged claim of the United States on that country for indemnifications of great magnitude." And the question being taken thereon, it was resolved in the affirmative—yeas 89, nays 21.

\* \* \* \* \*

Pending the question, "Shall the resolution be engrossed for a third reading?" a motion was made by Mr. CURRY, to amend the resolution, by striking out the words "with indifference," for the purpose of inserting the words "without serious inquietude;" and the question being taken thereon, it was determined in the negative.

A motion was made by Mr. BACON, to amend the preamble to the said resolution, by striking out the word "said," for the purpose of inserting the word "United;" and the question being taken thereon, it was resolved in the affirmative.

A motion was made by Mr. WINNITT, to amend the resolution, by adding the following to the end thereof:

*Resolved*, That the President be requested to make such arrangements for the temporary possession of any part of Florida east of the Peridillo, with the Spanish authorities, that he may think necessary for that purpose.

And the question being taken thereon, it was determined in the negative.

A motion was then made by Mr. STANFORD, to amend the resolution, by adding the following words to the end thereof: "And that the President of the United States, in pursuance of arrangements which may be desired by the Spanish authorities, be authorized to take temporary possession of any part or parts of the said Territory."

A question of order being made, whether the motion of the gentleman from North Carolina, Mr. STANFORD, was in order, as it apparently contained the principles embraced by the amendment proposed by the gentleman from Maryland, Mr. WINNITT, the Speaker decided that it was not in order.

A motion was then made by Mr. MACON, that the said resolution do lie on the table; and the question being taken thereon, it was determined in the negative.

The question then recurred on the engrossing the resolution for a

24

third reading; and the same being taken, it was resolved in the affirmative—yeas 74, nays 47.

\* \* \* \* \*

A motion was then made by Mr. PITKIN, that the further consideration of the resolution be postponed until to-morrow; and the question being taken thereon, it was determined in the negative—yeas 46, nays 68.

\* \* \* \* \*

The question was then taken that the said resolution do pass, as amended; and resolved in the affirmative—yeas 70, nays 42.

\* \* \* \* \*

A motion was made by Mr. MONTGOMERY, that a committee be appointed to carry the said resolution to the Senate; and the question being taken thereon, it was resolved in the affirmative.

Mr. MONTGOMERY and Mr. CURTIS were appointed a committee, in pursuance of the said resolution.

THURSDAY, JANUARY 10.

The House being cleared of all persons except the members and the Clerk, a confidential message was received from the Senate, by their committee, as follows:

*Mr. Speaker:* The Senate have passed a bill entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes;" in which bill they desire the concurrence of this House.

The House then proceeded to the consideration of the bill from the Senate; which was read twice, and committed to a Committee of the Whole this day.

The House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. BASSSETT reported that the Committee of the Whole have had under consideration a bill from the Senate to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes, and have agreed to the same, without amendment.

The House proceeded to the consideration of the report of the Committee of the Whole; and debate arising, an adjournment was called for, and carried.

25

FRIDAY, JANUARY 11.

The House resumed the consideration of the report of the Committee of the Whole, made yesterday; and on the question that the House do now concur in the report of the Committee of the Whole—

A motion was made by Mr. TROUP to amend the bill by striking out all the first section thereof, after the enacting clause, for the purpose of inserting the following:

"That the President of the United States be, and he is hereby, authorized to take possession and occupy all or any part of the territory lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, in case arrangement has been or shall be made with the local authority of the said Territory, at the desire of the said authority, for delivering up the possession of the same, or any part thereof, to the United States."

A division of the question was called for by Mr. PITKIN; and the question being taken on striking out, it was determined in the negative—yeas 54, nays 66.

\* \* \* \* \*

Consequently, the said motion was rejected.

A motion was made by Mr. BACON, to amend the bill by striking out the third section thereof, for the purpose of inserting the following:

"And be it further enacted, That after the possession authorized by this act shall have been taken by the President of the United States, the inhabitants thereof shall continue under the jurisdiction of the local government heretofore established, or which may hereafter be adopted therein, and the civil and military authorities there acting, shall be confirmed and continued in the exercise of their respective functions, so far as may be necessary to protect the people thereof in the enjoyment of their liberty, property, and religion, until other provisions shall be made by Congress therefor."

A division of the question was called for by Mr. MONTGOMERY; and the question being taken on striking out, it was determined in the negative—yeas 59, nays 66.

\* \* \* \* \*

Consequently, the said motion was lost.

A motion was made by Mr. TROUP to amend the bill, by striking out after the word "States," in the seventh line of the first section, the following words: "Or in the event of an attempt to occupy the said territory, or any part thereof, by any foreign Government; and he may, for the purpose of taking possession and occupying the territory aforesaid, and in order to maintain therein the authority of the United States, employ any part of the Army and Navy of the United States, which he may deem necessary;" for the purpose of inserting the following:

"Or in the event of an attempted occupation of the said territory by any foreign Power other than Spain, the President of the United States may, for

26

the purpose, and sole purpose, of repelling such occupation, employ any part of the Army and Navy of the United States, which he may deem necessary, causing no molestation or injury of any kind to the inhabitants of the said territory, save what may be absolutely necessary to the repulsion of such occupation."

And the question being taken thereon, it was determined in the negative—yeas 54, nays 68.

A motion was made by Mr. MURSON to amend the bill by striking out the following words in the seventh line thereof, to wit: "Or, in the event of an attempt to occupy the said territory, or any part thereof, by any foreign Government:"

And, debate arising thereon, an adjournment was called for, and carried.

SATURDAY, JANUARY 12.

A motion was made by Mr. SHERREY that the House do come to the following resolution:

"Resolved, That the further proceedings on the bill from the Senate, entitled 'An act to enable the President of the United States, under certain contingencies, to take possession of the territory east of the river Perillo, and south of the State of Georgia and the Mississippi Territory, and for other purposes,' be had with open doors, and that the injunction of secrecy be taken off in relation thereto."

On which a question was made, whether the said motion was in order; during a debate on the question of order, twelve o'clock arrived, when the order of the day on the unfinished business was called for; and the Speaker decided that, as twelve o'clock had arrived, and the order of the day had been called for, the call for the order of the day had the preference, and superseded the motion of the member from Virginia, (Mr. SHERREY;) from which decision an appeal was taken; and, on the question, "Is the decision of the Chair correct?" it was resolved in the affirmative—yeas 58, nays 51.

The question then recurred on the motion of Mr. MURSON, which was pending and undetermined at the time of adjournment, to amend the bill by striking out the following words in the seventh line of the first section thereof, to wit: "or, in the event of an attempt to occupy the said territory, or any part thereof, by any foreign Government:" And, the question being taken thereon, it was determined in the negative—yeas 52, nays 66.

A motion was made by Mr. STRICKS to amend the bill by striking out the word "or," for the purpose of inserting the word *and* in the seventh line and first section of the aforesaid bill; and, the question

27

being taken thereon, it was determined in the negative—yeas 46, nays 78.

A motion was made by Mr. SHERREY to amend the bill by adding a new section thereto, in the words following, to wit:

"And be it further enacted, That the President of the United States be, and he is hereby, authorized to restore the possession which may be acquired by virtue of this act, of the said territory, to the Spanish Government, in consequence of arrangements to be made between him and that Government, whenever it shall appear to him that the occupancy thereof, by any other foreign power, is no longer to be apprehended, and the Spanish authority therein shall be sufficient to maintain internal peace and tranquillity: *Provided*, That the power hereby granted shall not be construed to authorize the President to restore such possession in the event of the present existing authority in Spain being subverted, and the Government of that country, assumed and exercised by any other foreign Prince or State; or, in the event of the Spanish American colonies becoming independent of the parent State, or subjected to the dominion of any other foreign power."

And the question being taken thereon, it was determined in the negative—yeas 59, nays 61.

A motion was made by Mr. HUMPHREY to amend the bill in the first section and seventh line, after the word Government, by inserting the following words: "other than that of Spain."

And the question being taken thereon, it was determined in the negative—yeas 47, nays 78.

A confidential message was received from the Senate, by Mr. CLAY and Mr. PICKENS, their committee, as follows:

*Mr. Speaker:* We are instructed by the Senate to inform the House of Representatives, that the Senate have had under consideration a resolution of this House, of the eighth instant, confidentially communicated to the Senate, by their committee, and have agreed to the same with an amendment; in which amendment they are instructed to ask the concurrence of this House.

A motion was made by Mr. PERKINS to amend the bill, by adding the following words to the end of the first section thereof:

"It is, however, understood, and hereby is declared, that the territory which may be occupied by virtue of this act, is hereafter to be restored to the lawful Government of Spain, administered by the representatives of the people and the Executive authority of that country, according to the ancient forms of their constitution; or, in the event of that Government being extinguished, then said territory, at the request of the inhabitants thereof, is to be restored to the authorities constituted by such Government as shall be established in the Spanish dominions in America, by and with the consent of the people of said Spanish dominions, whenever apprehensions of its being occupied by any foreign

Government shall cease; and it shall be the duty of the President of the United States, whenever said territory shall be restored, to make the necessary arrangements for that purpose."

And the question being taken thereon, it was determined in the negative—yeas 41, nays 76.

A motion was made by Mr. STANFORD, to amend the bill by adding the following to the end of the last section thereof:

"And be it further enacted, That the powers, by the several sections of this act vested in the President of the United States, shall cease at the expiration of the session of Congress next ensuing the present, unless they shall be by some future law continued in force for a longer time."

And the question being taken thereon, it was determined in the negative—yeas 41, nays 75.

On the question, "Shall the bill have a third reading?"

A motion was made by Mr. STURGES, that the House do now adjourn; and the question being taken thereon, it was determined in the negative—yeas 29, nays 76.

The question recurring on the third reading of the bill, a motion was made by Mr. BREROW, that the House do now adjourn;

And the question being taken thereon, it was determined in the negative—yeas 37, nays 76.

And on the question, "Shall the bill have a third reading?" it was resolved in the affirmative—yeas 77, nays 45.

A motion by Mr. QUINCY that the third reading of the bill be the order of the day for Monday next; and the question being taken thereon, it was determined in the negative—yeas 42, nays 75.

A motion was then made by Mr. QUINCY, that the doors be now opened, and that the injunction of secrecy imposed on the proceedings which have been transacted with closed doors during the present session, be removed; and the question being taken thereon, it was determined in the negative—yeas 44, nays 79.

A motion was made by Mr. GUNDSOX that the third reading of the bill be the order for this day; and the question being taken thereon, it was resolved in the affirmative.

The bill was accordingly read a third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 76, nays 44.

A motion was made by Mr. MONTGOMERY that the House do now proceed to the consideration of the amendment of the Senate made to the confidential resolution of the eighth instant; and, the question being taken thereon, it was resolved in the affirmative—yeas 77, nays 33.

A motion was then made by Mr. MURKIN that the House do now adjourn; and the question being taken, it was determined in the negative.

The House then resumed the consideration of the amendment of the Senate to the aforesaid resolution.

A motion was made by Mr. MONTGOMERY that the House do concur in the amendment of the Senate to the said resolution.

A motion was made by Mr. GORDON that the amendment aforesaid be referred to a Committee of the Whole House; and the question being taken, it was determined in the negative—yeas 30, nays 78.

A motion was made by Mr. MOSLEY that the House do now adjourn, and the question being taken, it was determined in the negative.

The question again recurring on the concurrence of this House in the amendment of the Senate; and the question being taken thereon, it was resolved in the affirmative—yeas 78, nays 21.

A motion was made by Mr. MONTGOMERY that a committee be appointed to wait on the Senate, and inform them that the House of Representatives have passed the bill from the Senate, entitled, "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes;" and, also, have concurred in the amendment of the Senate made to the confidential resolution of the eighth instant; and a committee was appointed, consisting of Mr. MONTGOMERY and Mr. MURKIN.

Monday, January 14.

The House being cleared of all persons, except the members and the Clerk, Mr. GUNLAND, from the Joint Committee for Enrolled Bills, reported that the committee had examined an enrolled bill, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mis-

30

Mississippi Territory, and for other purposes;" and that they had also examined an enrolled resolve which passed both Houses of Congress on the twelfth instant; and had found the same to be truly enrolled: Whereupon, Mr. SPEAKER signed the said enrolled bill and resolve.

*Ordered*, That Mr. MONTGOMERY and Mr. MILLER be appointed a committee to acquaint the Senate therewith.

THURSDAY, JANUARY 17.

The House being cleared of all persons, except the members and Clerk, Mr. ANDERSON, from the Joint Committee for Enrolled Bills, reported that the committee did, on the fifteenth instant, present to the President of the United States, for his approbation, an enrolled bill, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes;" and an enrolled resolve passed on the twelfth instant.

A Message was received from the President of the United States, notifying that the President did, this day, approve and sign the abovementioned enrolled resolve.

FRIDAY, JANUARY 18.

The House being cleared of all persons but the members and the Clerk, the following resolution was submitted by Mr. SHERREY, for consideration:

*"Resolved*, That the injunction of secrecy imposed on the proceedings which have been transacted with closed doors, during the present session, be removed and that the secret journal of such proceedings be published: "

And on the question, Will the House now consider the said resolution? it was determined in the negative—yeas 45, nays 73.

\* \* \* \* \*

On motion of Mr. MONTGOMERY,  
*Resolved*, That a committee be appointed to inform the Senate that the President of the United States did, yesterday, approve and sign an enrolled resolve, which originated in this House.

*Ordered*, That Mr. MONTGOMERY and Mr. GRAY be appointed the said committee.

SATURDAY, JANUARY 19.

The House being cleared of all persons, but the members and Clerk, Mr. MONTGOMERY, from the committee appointed, yesterday,

31

to inform the Senate that the President of the United States did, on the seventeenth instant, approve and sign an enrolled resolve, which originated in this House, reported that the committee had performed that duty.

A message from the Senate, by Mr. ORRIS, their Secretary:

*Mr. Speaker*: I am directed to inform this House that the President of the United States did, on the seventeenth instant, approve and sign an enrolled bill, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes."

SUNDAY, MARCH 3.

The House being cleared of all persons, but the members and the Clerk, a message was received from the Senate, by Mr. TURNER, and Mr. SMITH, of Maryland, two members of that body, notifying the House that the Senate had this day passed a resolution in the form of a joint resolution of the two Houses of Congress, in the words following, to wit:

*"Resolved*, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act passed during the present session of Congress, entitled 'An act to enable the President of the United States under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes,' and the declaration accompanying the same, be not printed or published unless directed by the President of the United States; any law or usage to the contrary notwithstanding: "

To which they desire the concurrence of this House.

The said resolution was read the first and second time.

A motion was made by Mr. QUINCY, that the said resolution be committed to a Committee of the whole House; and the question being taken thereon, it was determined in the negative.

A motion was made by Mr. BINN, to amend the said resolution by striking out the first word, "resolved," and insert, in lieu thereof, the words "be it enacted:" and the question being taken thereon, it was resolved in the affirmative.

Another motion was made by Mr. BINN, further to amend the said resolution, by inserting, after the word "that," in the third line, the words "this act and;" and the question being taken thereon, it was resolved in the affirmative.

A motion was made by Mr. JOHNSON, further to amend the said resolution, by inserting, after the word "published," in the tenth line, the following: "until the end of the next session of Congress;" and the question thereon being taken by yeas and nays, and a quorum,



32

consisting of a majority of the whole House, not being present, the question was not determined.

The yeas and nays, as demanded by one-fifth of the members present, are as follows:

\* \* \* \* \*

The question was again taken by yeas and nays, and resolved in the affirmative—yeas 48, nays 34.

And the question being taken on the resolution as amended, it was resolved in the affirmative—yeas 52, nays 34.

\* \* \* \* \*

*Ordered*, That Mr. MONTGOMERY and Mr. T. MOORE be appointed a committee to wait on the Senate, and inform them of the agreement of this House to their resolution, with amendments; in which amendment they desire the concurrence of the Senate.

A motion was made by Mr. SHERREY, that the House do come to the following resolution:

*Resolved*, That the injunction of secrecy, in relation to the proceedings had with closed doors, during the present session, be removed, and that the secret Journal be published:

And on the question that the House do agree to the said resolution, it was determined in the negative—yeas 40, nays 51.

\* \* \* \* \*

A motion was made by Mr. SHERREY that the House do come to the following resolution:

*Resolved*, That the Journal of the proceedings of this House on the resolution offered this day, to remove the injunction of secrecy in relation to the proceedings had with closed doors, during the present session, be published.

And on the question that the House do now proceed to the consideration of the said resolution, it was determined in the negative.

The doors were then opened; and, after some time, closed again. A confidential message was received from the Senate, by Mr. WORTHINGTON and Mr. BAYARD, two members of that body, notifying that the Senate had concurred in the amendments of the House of Representatives to their confidential resolution of this day.

Mr. GARLAND, from the Joint Committee for Enrolled Bills, reported that they had examined an enrolled bill, entitled "An act concerning 'An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes,'" and the declaration accompanying the same, and had found the same to be truly enrolled: Whereupon, Mr. SPEAKER signed the said bill and the declaration accompanying the same.

33

*Ordered*, That Mr. MONTGOMERY and Mr. GARLAND be appointed a committee to acquaint the Senate therewith.

A message was received from the Senate, by Mr. CURTIS and Mr. CAMERON, two members of that body, notifying the House that the President of the United States had approved and signed a confidential bill, passed this day, entitled "An act concerning 'An act to enable the President of the United States, under certain contingencies, to take possession of the country lying East of the river Perdido, and south of the State of Georgia and the Mississippi Territory, and for other purposes,'" and the declaration accompanying the same.

*Ordered*, That the doors be now opened.

#### CONFIDENTIAL PROCEEDINGS OF THE SENATE

AT THE SECOND SESSION OF THE TWENTH CONGRESS

Annals of Congress, vol. 26, pp. 124-134.

SEVENHUNDRED, JULY 31, 1847.

On motion, by Mr. ANDERSON,

*Ordered*, That the confidential proceedings of the Senate at their last session, in relation to East Florida, be made public.

THURSDAY, DECEMBER 10, 1847.

Mr. ANDERSON submitted the following motion for consideration, which was read:

*Resolved*, That a committee be appointed to consider whether it be expedient to authorize the President of the United States to occupy and hold the whole or any part of East Florida, including Amelia Island, and also those parts of West Florida which are not now in the possession and under the jurisdiction of the United States, with leave to report by bill or otherwise.

TUESDAY, DECEMBER 15.

The Senate proceeded to consider the motion submitted the 10th instant, respecting the Floridas; and, after debate, the further consideration thereof was postponed to Monday next.

34

WEDNESDAY, DECEMBER 16.

Mr. LERN submitted the following motion for consideration:

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate any information which he may have of the intention of the enemy to take possession of East Florida, and of the disposition of the people of that Territory to be received under the protection of the Government of the United States; the amount of the American force in that neighborhood and under the command of General Wilkinson; and the quantum of Spanish or other force in St. Augustine, Pensacola, and Mobile.

FRIDAY, DECEMBER 18.

The Senate proceeded to consider the motion submitted the 16th instant, calling upon the President of the United States for information respecting East Florida; and, on motion by Mr. GOODRICH, to amend the motion, so as to read as follows:

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate any information which he may have of the intention of the enemy to take possession of East Florida, and of the disposition of the people of that Territory to be received under the protection of the Government of the United States; the amount of the American force in that neighborhood and under the command of General Wilkinson; and the quantum of the Spanish or other force in St. Augustine, Pensacola, and Mobile; and respecting any negotiation that may have been had for the settlement of differences and claims existing between the United States and Spain, not heretofore laid before the Senate; respecting any proposal or negotiation that may have been made, or had, by or with any person or persons exercising the powers of the Government of Spain, or claiming to exercise the powers of said Government, or with their respective agents, for the cession of East Florida to the United States; respecting any proposal to or from the local authorities of East Florida, (not heretofore communicated,) for the cession, surrender, or occupancy thereof, to or by the United States; and also, any information respecting the relations of the United States with Spain or said Territory of East Florida, which the President may deem proper to communicate.

On motion, by Mr. ANDERSON, the further consideration of the motion for amendment was postponed to Monday next.

TUESDAY, DECEMBER 22.

The Senate resumed the motion made the 10th instant to appoint a committee to inquire into the expediency of taking possession of East Florida; and, on motion by Mr. SMITH, of Maryland, to postpone the further consideration thereof to Monday next, it was determined in the negative—yeas 15, nays 15.

On motion, by Mr. LERN, to strike out the words "with leave to report by bill or otherwise," it was determined in the negative.

35

On the question to agree to the original motion, it was determined in the affirmative—yeas 18, nays 12.

*Ordered*, That Messrs. ANDERSON, GOODRICH, SMITH, of Maryland, TAYLOR, and VARNUM, be the committee.

The Senate resumed the consideration of the motion made the 16th instant, calling upon the President of the United States for information respecting East Florida, together with the amendment proposed thereto on the 18th instant; and, having agreed to the amendment,

*Resolved*, That the motion be agreed to as amended.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

THURSDAY, JANUARY 14, 1813.

The following confidential Message was received from the President of the United States:

*To the Senate of the United States:*

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 22d December.

JAMES MONROE.

JANUARY 14, 1813.

The Message and report were read. And on motion, by Mr. LERN, that they be printed confidentially for the use of the Senate, it was agreed that the motion be postponed until to-morrow.

FRIDAY, JANUARY 15.

The Senate resumed the consideration of the motion made yesterday, "that the Message and report respecting East Florida be printed confidentially for the use of the Senate, with the exception of the return of the number of troops and their respective stations on the Southern and Western frontier;" and, on the question to agree thereto, it was determined in the negative—yeas 13, nays 18.

On motion, by Mr. ANDERSON,

*Ordered*, That the Message, and documents therein referred to, be referred to the committee appointed the 22d December on the same subject, to consider the report thereon.

Mr. BRADLEY submitted the following motion for consideration:

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate all letters and communications that have passed between the Government of the United States and that of Spain, or the Minis-

36

tees thereof, since the 30th day of January, 1804, on the subject of indemnities for spoliation committed on our commerce by her subjects before that time and also, in relation to French seizures and condemnation of our vessels in the ports of Spain, during the late war with France; together with such communications between this and the French Government as relate to the same subjects with such instructions as have been given to the Ministers of the United States in relation to the same. And any propositions or negotiations that have been had or made with France or Spain, for ceding East Florida to the United States previous to the 15th day of January, 1811, not heretofore communicated.

SATURDAY, JANUARY 16.

The Senate proceeded to consider the motion submitted yesterday by Mr. BRADLEY; and, on motion, by Mr. CAMMERER, of Ohio, the further consideration thereof was postponed until Monday next.

MONDAY, JANUARY 18.

The motion submitted by Mr. BRADLEY on the 15th instant was resumed and agreed to without amendment.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

TUESDAY, JANUARY 19.

Mr. ANDERSON, from the committee appointed the 22d December on the subject, reported the following bill:

bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he is hereby authorized to occupy and hold all that tract of country called West Florida, which lies west of the river Perdido, not now in possession of the United States.

Sec. 2. *And be it further enacted*, That the President be, and he is hereby authorized to occupy and hold all that part of West Florida east of the Perdido, and the whole or any part of East Florida, including Amelia Island.

Sec. 3. *And be it further enacted*, That, for the purpose of occupying and holding the country aforesaid, and of affording protection to the inhabitants thereof, under the authority of the United States, the President may employ such parts of the military and naval force of the United States as he may deem necessary.

Sec. 4. *And be it further enacted*, That, for defraying the necessary expenses, ——— dollars are hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated, and to be applied for the purposes aforesaid, under the direction of the President.

37

Sec. 5. *And be it further enacted*, That, until further provision shall be made by Congress, the President shall be, and hereby is, empowered to establish within the country he may acquire by this act a temporary Government, the civil and military authorities of which shall be vested in such person or persons as he may appoint, and be exercised in such manner as he may direct; *Provided*, That he shall take due care for the preservation of social order, and for securing to the inhabitants the enjoyment of their personal rights, their religion, and their property; *And provided, also*, That the section of country herein designated, that is situated to the eastward of the river Perdido, may be the subject of future negotiation.

The bill was read; and passed to the second reading.

FRIDAY, JANUARY 22.

The bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, was read the second time.

Mr. LEAH submitted the following motion for consideration:

*Resolved*, That the documents which accompanied the President's Message of the 14th instant, be confidentially printed for the use of the Senate, excepting those papers which relate to the stations and the amount of the military force of the United States, and the letter of General Pickens of the 27th December.

On motion, by Mr. LEAH, that the bill be now taken up and considered, it was determined in the negative.

MONDAY, JANUARY 25.

On motion, by Mr. ANDERSON, that the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, be now considered, it was determined in the negative.

The Senate proceeded to consider the motion submitted on the 22d instant, by Mr. LEAH; and, on motion, by Mr. BAYARD, that the further consideration thereof be postponed until to-morrow, it was determined in the negative.

On the question to agree to the resolution, on motion, by Mr. LEAH, it was agreed that it be taken by yeas and nays; and, on motion, by Mr. BAYARD, the Senate adjourned.

TUESDAY, JANUARY 26.

On motion, by Mr. ANDERSON, the Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the Presi-

38

dent of the United States to take possession of a tract of country lying south of the Mississippi Territory, and of the State of Georgia, and for other purposes; and, on motion, by Mr. Linn, that the further consideration of the bill be postponed in order to consider his motion, to have printed certain documents referred to in the Message of the President of the United States of the 14th instant, it was determined in the negative.

Mr. GARLAND was requested to take the Chair; and the consideration of the bill was recurred to.

A motion was made by Mr. SMITH, of Maryland, to strike out the second section of the bill; and, on his motion, it was agreed to take the question by yeas and nays.

On motion, by Mr. BRADLEY, the further consideration of the bill was postponed to, and made the order of the day for, to-morrow.

Mr. TARR presented the memorial of the Legislature of the State of Georgia, recommending to, and soliciting, Congress to authorize the President of the United States to take immediate possession of the province of East Florida, and that portion of West Florida purchased from France, but still retained by Spain; for reasons stated at large in the memorial; which was read.

On motion, by Mr. Linn, the Senate resumed his motion, submitted the 22d instant, that the documents referred to in the Message of the President of the United States of the 14th instant, be printed; and the motion was amended.

*Resolved.* That the documents which accompanied the President's Message, of the 14th instant, be confidentially printed for the use of the members of the Senate, excepting those papers which relate to the stations and amount of the military force of the United States, the report of the Secretary of State, and the letters of General Pinckney.

On the question, to agree to the motion as amended, it was determined in the affirmative—yeas 18, nays 12.

\* \* \* \* \*

The following confidential Message was received from the President of the UNITED STATES:

*To the Senate of the United States:*  
I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 8th inst.

JAMES MADISON.

JANUARY 26, 1813.

The Message and report were read; and then the Senate adjourned.

39

WEDNESDAY, JANUARY 27.

The following confidential Message was received from the President of the UNITED STATES:

*To the Senate of the United States:*  
I transmit to the Senate a report of the Secretary of War, complying with their resolution of the 7th inst.

JAMES MADISON.

JANUARY 27, 1813.

The Message and report were read.

Mr. HONSEY submitted the following motion for consideration, which was read:

*Resolved.* That the injunction of secrecy in relation to the President's Message, of the 26th instant, communicating certain papers, marked A and B, in compliance with the resolution of the Senate of the 18th instant, be and the same is hereby removed.

THURSDAY, JANUARY 28.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and the State of Georgia, and for other purposes; and on motion, by Mr. ANDERSON, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate proceeded to consider the motion submitted yesterday, by Mr. HONSEY, to remove the injunction of secrecy from certain papers; and, on motion, the further consideration thereof was postponed until to-morrow.

FRIDAY, JANUARY 29.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes; and Mr. GARLAND was requested to take the Chair; and the motion to strike out the second section of the bill was resumed; and, after debate, adjourned.

MONDAY, FEBRUARY 1.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi

40

Territory and of the State of Georgia, and for other purposes, together with the motion to strike out the second section thereof; and Mr. GARRARD was requested to take the Chair; and, after debate, the consideration thereof was further postponed until to-morrow.

#### THURSDAY, FEBRUARY 2.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, together with the motion to strike out the second section thereof; and Mr. GARRARD was requested to take the Chair;

On the question, to strike out the second section, as follows:

“Sec. 2. *And he it further enacted*, That the President be, and he is hereby authorized to occupy and hold all that part of West Florida east of the Perdido and the whole or any part of East Florida, including Amelia Island.”

It was determined in the affirmative—Yeas 19, nays 16.

A motion was made, by Mr. SMITH, of Maryland, to strike out the fifth section of the bill; and, on motion, the Senate adjourned.

#### WEDNESDAY, FEBRUARY 3.

On motion, by Mr. ANDERSON, the Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes; together with the motion to strike out the fifth section; and Mr. GARRARD was requested to take the Chair.

Whereupon, Mr. SMITH, of Maryland, withdrew his motion to strike out the fifth section of the bill.

A motion was made, by Mr. CARRUTHERS, of Ohio, to insert, in lieu of the second section stricken out, the following:

“*And be it further enacted*, That, if hostilities shall be committed by the Spanish nation, its colonies, or dependencies, against the United States, or if it shall be ascertained to the satisfaction of the President of the United States, that the safety and security of the United States, or any part thereof, are in imminent danger from the Spanish authorities in East Florida, and in that part of West Florida lying east of the river Perdido, the President of the United States is hereby authorized to occupy the said provinces, or any part thereof, including Amelia Island.”

Whereupon, a motion was made, by Mr. BRADLEY, to amend the proposed section, by inserting after the word “that,” in the first

41

line, the following words: “upon the troops of the United States being withdrawn from the province of East Florida.”

And a motion was made, by Mr. POPE, that the further consideration of the bill be postponed to the first Monday in June next; and it was determined in the negative—Yeas 16, nays 17.

On the question, to agree to the motion for amendment to the amendment, it was determined in the negative—the Senate being equally divided—Yeas 17, nays 17.

On the question, to agree to the motion for amending the second section, it was determined in the negative—Yeas 14, nays 20.

On motion, it was agreed to strike out the fifth section of the bill.

On the question, Shall the bill be engrossed and read a third time as amended? it was determined in the negative.

#### FRIDAY, FEBRUARY 5.

The bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, was reported by the committee correctly engrossed; and the bill was read the third time.

On motion, by Mr. ANDERSON, it was agreed to fill the blank with the words “twenty thousand.”

On the question, Shall this bill pass? it was determined in the affirmative—Yeas 22, nays 11.

So it was *Resolved*, That the bill do pass; and, on motion, it was agreed that the title thereof be “An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido.”

On motion, by Mr. ANDERSON, *Resolved*, That a committee be appointed, to consist of two members, to carry the said bill to the House of Representatives and ask their concurrence therein.

*Ordered*, That Messrs. ANDERSON and BRADLEY be the committee. The Senate resumed the consideration of the motion submitted the 27th of January, to print certain documents; and, after debate, on motion, the Senate adjourned.

42

MONDAY, FEBRUARY 8.

On motion, *Ordered*, That Mr. DANA be of the committee appointed the 5th instant, to carry a confidential bill to the House of Representatives, in place of Mr. BRADLEY, absent.

TUESDAY, FEBRUARY 9.

The following confidential message was received from the House of Representatives, by Messrs. TROUP and ROBERTSON, two of their members; Mr. TROUP, chairman:

*Mr. President:* The House of Representatives have passed the bill sent from the Senate, entitled "An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido."

And the Senate then adjourned.

THURSDAY, FEBRUARY 11.

Mr. CAMPBELL, of Ohio, from the committee, reported the bill, entitled "An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido," duly enrolled.

The following message was received from the House of Representatives, by Messrs. CRAWFORD and GOODWIN, two of their members; Mr. CRAWFORD, chairman:

*Mr. President:* The Speaker of the House of Representatives having signed an enrolled bill, we are directed to bring it to the Senate for the signature of their President.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States.

SATURDAY, FEBRUARY 13.

Mr. CAMPBELL, of Ohio, from the committee, reported that they yesterday laid before the President of the United States the enrolled bill, entitled, "An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido."

43

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Mr. President:* The President of the United States did, on the 12th instant, approve and sign "An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido." *Ordered*, That the Secretary communicate this information to the House of Representatives.

On motion, the Senate adjourned.

TUESDAY, FEBRUARY 16.

The Senate resumed the consideration of the motion submitted by Mr. HORNER on the 27th of January, to remove the injunction of secrecy from certain papers; and, on motion, it was agreed to amend the same to read as follows:

*Resolved*, That the injunction of secrecy in relation to the paper marked A, communicated in the President's Message of the 26th instant, be, and the same is hereby, removed.

On the question, to agree to the motion as amended, the Senate being equally divided, it was determined in the negative—Yeas 16, Nays 16.

On motion, the Senate adjourned.

THURSDAY, FEBRUARY 18.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate of the United States:*

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 18th of January, 1813.

JAMES MADISON.

FEBRUARY 18, 1813.

The Message and documents therein referred to were read.

PROCEEDINGS AND DEBATES OF THE HOUSE OF REPRESENTATIVES  
OF THE UNITED STATES.

AT THE SECOND SESSION OF THE TWENTYTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, NOVEMBER 2, 1812.

(Extract from pp. 1013, 1016, of Annals of Congress, vol. 25.)

MONDAY, FEBRUARY 8 (1813).

\* \* \* \* \*

A message from the Senate was announced, of a confidential nature. The House was accordingly cleared of all strangers, and remained in secret session for two or three hours. When the doors were opened, \* \* \* \* \*

(Extract from p. 1015, op. cit.)

WEDNESDAY, FEBRUARY 17 (1813).

\* \* \* \* \*

A communication of a *confidential* nature was announced from the Senate: On which, the House was cleared of all persons, except the Members and officers of the House, and the doors were closed, and after remaining so for some time, they were again opened: and the House adjourned.

(Extract from p. 1079, op. cit.)

O

H 282 83